

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

UNITED STATES LIFE INSURANCE )  
COMPANY OF AMERICAN IN THE )  
CITY OF NEW YORK, )

Plaintiff, )

vs. )

RONNIE JAMES HERRING, M.D., )

Defendant. )

CASE NO: CV-07-1071

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**DEFENDANT'S MOTION FOR LEAVE TO RESPOND TO PLAINTIFF'S ALLEGED  
REPLY FILED ON OR ABOUT AUGUST 25, 2008**

COMES NOW the Defendant, Ronnie James Herring, M.D., by and through undersigned counsel, and hereby moves this Honorable Court for leave to respond to Plaintiff's alleged "Reply" filed on or about August 25, 2008 on the following grounds:

1). Plaintiff's alleged "Reply" actually raises new issues and makes new arguments not previously raised and/or made in either Plaintiff's previously filed original Motion to Dismiss or it's Renewed Motion to Dismiss.

2). Because of the above, Defendant has not been afforded the opportunity to address said newly raised issues and arguments.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully moves this Honorable Court for leave to respond to Plaintiff's "Reply" filed on or about August 25, 2008.

//Christopher E. Sanspree//  
CHRISTOPHER E. SANSPREE (SAN048)  
Attorney for Defendant

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing upon all counsel for the Defendants as listed below by placing a copy of the same in the U.S. Mail, postage prepaid and properly addressed on this the 26th day of **August, 2008**.

Mr. Michael D. Mulvaney

Mr. David P. Donahue

**MAYNARD, COOPER & GALE**

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//Christopher E. Sanspree//  
OF COUNSEL